<center>**REMARKS/ARGUMENTS**</center>

Claims 3-44 are pending in the present application. Claims 3-17, 28, 31, 42 and 44 are amended. No new matter is added. Reconsideration of the application is respectfully requested.

I.   **35 U.S.C. § 103, Obviousness**

The Office Action rejects claims 3-44 under 35 U.S.C. § 103 as obvious over Sloan et al. (*"Sloan"*), U.S. Patent Publication No. 20020147671, in view of Frank et al. (*"Frank"*) Frank, U.S. Patent Publication No. 20020013754. Applicant respectfully traverses this rejection.

A. The Office Action Fails To Establish A Prima Facie Case of Obviousness

It is well-settled that to establish a *prima facie* case of obviousness, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981,985, 180 USPQ 580 (CCPA 1974). Further, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Amended independent claim 3 recites:

> 3. A method in a data processing system for providing a financial planning tool, said method comprising:
> displaying a two-dimensional coordinate system having time depicted along a first axis and value depicted along a second axis;
> **dividing said first axis into a plurality of time periods, each one of said plurality of time periods representing a discrete age bracket comprising a range of ages within a lifetime;**
> generating a different investment plan for the each one of said plurality of time periods, said generating further comprising:
> for each one of said plurality of time periods:
> > specifying assumptions that affect a change in total investment value for each one of said plurality of time periods;
> > specifying a percentage allocation of all investments to be held during each one of said plurality of time periods among each type of a plurality of types of investments; and
> > **specifying a life event that is assigned to each one of said plurality of time periods;**
> generating an investment graph utilizing said two-dimensional coordinate system that depicts a total value of all investments held and a change of said total value of all investments held during each one of said plurality of time periods; and
> graphically depicting said investment graph utilizing a graphical user interface, said graphical depiction being utilized as a financial planning tool. (emphasis added).

Applicant's recited claims disclose a method of a lifetime investment strategy. **One key feature of Applicant's method is the generation of different investment plans during specific time periods or age brackets in a lifetime**. The claims have been amended to highlight this distinct feature. No new matter is added. Applicant's specification provides support for the claim amendment of "each one of said plurality of time periods representing a discrete age bracket that comprises a range of ages" at page 7, lines 9-25; page 13, lines 7-10; page 14, lines 25-30; page 15, lines 9-11; Figure 4, reference numeral 402; Figure 6, the horizontal axis; Figure 7, the horizontal axis. Applicant's specification provides support for the claim amendment of "specifying a life event that is assigned to each one of said plurality of time periods" at page 13, line 28 to page 14 line 7; Figure 4, reference numeral 412.

Neither *Sloan* nor *Frank*, alone or in combination, teach or fairly suggest all of Applicant's recited claim features. Therefore, the Office Action cannot establish a conclusion of prima facie obviousness.

B. *Sloan* and *Frank* Do Not Teach Or Suggest All The Features Of Applicant's Claims

Specifically, neither *Sloan* nor *Lindsay*, alone or in combination, teach or fairly suggest "*a plurality of time periods, each one of said plurality of time periods representing a discrete age bracket comprising a range of ages within a lifetime.*" Accordingly, neither *Sloan* nor *Lindsay* can therefore teach or suggest any claim features that recite a plurality of time periods or reference the context of a plurality of time periods.

The processes of Applicant's invention all occur within the context of the plurality of time periods, wherein each one of said plurality of time periods represents a discrete age bracket comprising a range of ages within a lifetime. Accordingly, Sloan and Lindsay cannot teach or suggest the other recited features of claim 3, i.e. "generating a different investment plan for the each one of *said plurality of time periods*, said generating further comprising: for each one of *said plurality of time periods*: specifying assumptions that affect a change in total investment value for each one of *said plurality of time periods*; specifying a percentage allocation of all investments to be held during each one of *said plurality of time periods* among each type of a plurality of types of investments; and specifying a life event that is assigned to each one of *said plurality of time periods*."

The Office Action relies on *Sloan*, Figures 15 and 16 and paragraph 136-162, *supra*, as disclosing the feature of a plurality of time periods.   The Office Action states in pertinent part:

> **Regarding Claim 3**, Sloan discloses a method in a data processing system for providing a financial planning tool, said method comprising the steps of: • displaying a two-dimensional coordinate system having time (t) depicted along a first axis (x =time period) and value depicted along a second axis (y =portfolio value at time t). (see fig. 15 - 16; para. 136 - 162); • **dividing said first axis (x axis) into a plurality of time (t) periods.**

(see **fig. 15 -16; para. 136 -162**); Figures 15 and 16 of *Sloan* are reproduced below.
Office Action dated May 1, 2008 p. 2 (emphasis in original, emphasis added, in part).
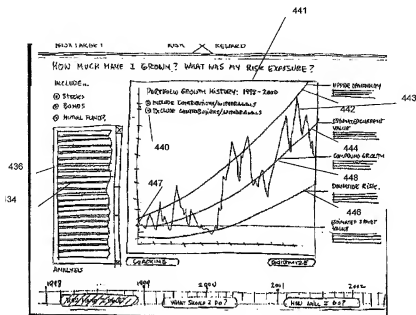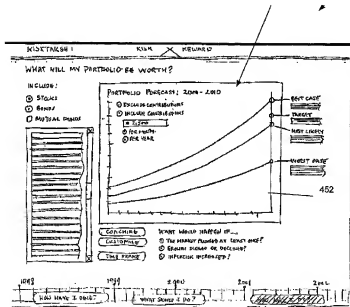

FIGURE 15

FIGURE 16

Nothing in Figures 15 or 16 illustrates time periods that represent age brackets of a lifetime that comprises a range of ages. Figures 15 and 16 of *Sloan* merely illustrate the passage of time in units of years.

Sloan, at paragraphs 136-162 describes Figures 15 and 16. With respect to Figure 15, *Sloan* discloses in pertinent part:

> **FIG. 15** is another embodiment of the graphical user interface **412**. *The graphical window **441** displays portfolio growth history over a user selected time period*. The graphical representation may include or exclude user contributions and withdrawals by selecting the appropriate icon **440**. The actual movement of the user's portfolio is represented by the graph **443**. The graphical window **441** displays on the same graph the upside opportunity **442**, the estimated current value **444**, and the down side risk **444** and the estimated start value **447**. Compound growth is also indicated based on the portfolio's past performance and user inputs **448**. Interactive coaching displays appropriate coaching strings **434** in the coaching window **436**. The portfolio history is computed in the following manner: The number of units of a security at time t is the difference between the sum of units bought and sum of units sold in all previous transactions[;] The position of a security is the number of units times the price at time t[;] The portfolio value at time t is the sum of all positions[.] The portfolio history is the time series of portfolio values for t=start value to end value.
> *Sloan*, paragraphs [0136-0141]. (emphasis added).

With respect to Figure 16, *Sloan* discloses in pertinent part:

> **FIG. 16** *is yet another implementation of the graphical user interface **412** [illustrated in FIG. 15]*. In this representation, the graphical window **450** displays a projection of the performance of the user's portfolio. The forecast and stress analysis of the user portfolio is generated by one of three method:
>
> *Sloan*, paragraph [0152]. (emphasis added).

Sloan discloses user-selected time periods that represent a time series with a start value and an end value. Nothing in *Sloan* fairly suggests, or may be construed to suggest, that the user selected time periods of *Sloan* may be divided into **discrete age brackets of a lifetime that comprises a range of ages.**

Frank fails to cure the deficiency of *Sloan* and lacks any teaching or suggestion of the recited claim feature of "a plurality of time periods, each one of said plurality of time periods representing a discrete age bracket of a lifetime that comprises a range of ages."

Additionally, neither Sloan nor Frank discloses the recited feature of specifying a life event that is assigned to each one of said plurality of time periods. *Sloan* discloses personal and financial parameters. Even assuming, *arguendo*, that a life event may be considered within the scope of personal and financial parameters, neither *Sloan* nor *Frank* provides any further disclosure that could suggest that

the assigning of the personal and financial parameters to one of a plurality of time periods. Moreover, as outlined, *supra*, neither *Sloan* nor *Frank* even teaches or suggests a plurality of time periods.

Amended claim 3 includes features representative of the other independent claims 17 and 31 and the same argument, *supra*, applies. Furthermore, many of the dependent claims also recite the feature of a plurality of time periods, which neither *Sloan* nor *Frank* teaches. Nevertheless, "dependent claims are non-obvious if the independent claims from which they depend are nonobvious." *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1785 (Fed. Cir. 1992).

Accordingly based on the foregoing, the Office Action cannot support a rejection of *prima facie* case of obviousness under 35 U.S.C. § 103 against claims 3-44. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Therefore, the rejection of claims 3-44 under 35 U.S.C. § 103 has been overcome.

II. Conclusion

The subject application is patentable over the cited references of *Sloan* and *Frank* , either alone or in combination, and is now in condition for allowance, a notice of which is earnestly solicited.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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